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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON

5 UNITED STATES OF AMERICA,)

6 Plaintiff,)

7 vs.)

8 \$3,700.00 U.S. CURRENCY,)

9 2007 TOYOTA CAMRY,)
10 WASHINGTON LICENSE 044 YRJ,
VIN: JTNGE46K273069237,)

11 2003 FORD MUSTANG COBRA,)
12 WASHINGTON LICENSE 407 YDA,
VIN: 1FAFP48Y33F309329,)

13 2000 CHEVROLET TAHOE,)
14 WASHINGTON LICENSE 947 SXX,
VIN: 1GNEK13T7YJ183485,)

15 Defendants)

CV-09-5101-LRS

Default Judgment of Forfeiture

16 Plaintiff, United States of America filed its Verified Complaint for Forfeiture
17 In Rem on December 9, 2009, for forfeiture of the Defendant property.

18 On January 26, 2010, the United States Marshals Service executed the Warrant
19 of Arrest In Rem. The returned warrant was filed with the Court under the above
20 cause number on February 8, 2010.

21 On February 17, 2010, Antonio Molina was served, via certified mail, with a
22 copy of the Verified Complaint for Forfeiture In Rem, Warrant of Arrest In Rem, and
23 Notice of Complaint for Forfeiture (said notice specifies the claim requirements under
24 Rule G and also specifically states the claim deadline), as reflected in the Certificate
25 of Service of Notice by Mail filed with the Court on February 18, 2010. Based upon
26 the February 17, 2010, direct notice service date, the last date to file a timely claim
27 was March 24, 2010. A Clerk's Order of Default was entered as to Antonio Molina
28

1 on May 4, 2011. To date, no claim or response has been received from Antonio
2 Molina.

3 On February 17, 2010, Jose Luis Rios was served, via certified mail, in care of
4 Attorney Robert Thompson, with a copy of the Verified Complaint for Forfeiture In
5 Rem, Warrant of Arrest In Rem, and Notice of Complaint for Forfeiture (said notice
6 specifies the claim requirements under Rule G and also specifically states the claim
7 deadline), as reflected in the Certificate of Service of Notice by Mail filed with the
8 Court on February 18, 2010. Based upon the February 17, 2010, direct notice service
9 date, the last date to file a timely claim was March 24, 2010. A Clerk's Order of
10 Default was entered as to Jose Luis Rios on May 4, 2011. To date, no claim or
11 response has been received from Antonio Molina.

12 On September 8, 2010, Alberto Rangel (Rangal) was served, via certified mail,
13 with a copy of the Verified Complaint for Forfeiture In Rem, Warrant of Arrest In
14 Rem, and Notice of Complaint for Forfeiture (said notice specifies the claim
15 requirements under Rule G and also specifically states the claim deadline), as
16 reflected in the Certificate of Service of Notice by Mail filed with the Court on
17 January 20, 2011. Based upon the September 8, 2010, direct notice service date, the
18 last date to file a timely claim was October 13, 2010. A Clerk's Order of Default was
19 entered as to Antonio Molina on May 4, 2011. To date, no claim or response has
20 been received from Alberto Rangel.

21 In accordance with Fed. R. Civ. P. Rule G(4)(a)(iv)(C), Supplemental Rules for
22 Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of civil forfeiture
23 was posted on an official government website, www.forfeiture.gov, beginning
24 February 12, 2010. CR 29. Based upon the internet publication start date of February
25 12, 2010, the last date to file a timely claim was April 13, 2010.

26 On March 24, 2010, Martha Soto filed a claim to "the Defendant property,
27 \$3,980.00 seized from 1311 N. 15th Ave., Pasco, WA" and attached a copy of a
28 Search and Seizure Warrant for 1311 North 15th Avenue, Pasco, Washington. The

1 Defendant \$3,700.00 U.S. currency in the instant civil forfeiture action was seized
2 from Alberto Rangel at 1924 West Pearl, Pasco, Washington. On March 21, 2011,
3 Ms. Soto filed a Stipulation to Withdraw Claim, effectively withdrawing any claim
4 to the Defendant \$3,700.00 U.S. currency.

5 No valid or timely claim of interest has been received or filed with the Court
6 from Alberto Rangel, Antonio Molina, or Jose Luis Rios, or from any other person
7 or entity, and the time allowed for filing of such a claim has expired.

8 On April 18, 2011, the United States filed its Notice (s) of Motion for Default,
9 which were served via certified mail, return receipt requested, upon Alberto Rangel
10 (Rangel), Antonio Molina, and Jose Luis Rios. No opposition was filed and defaults
11 were entered by the Clerk on May 4, 2011.

12 Now, therefore on motion by the Plaintiff, United States of America, for a
13 Default Judgment for Forfeiture, it is hereby

14 ORDERED, ADJUDGED and DECREED, as follows:

15 1. Plaintiff's Motion for Default Judgment, Ct. Rec. 46, is **GRANTED**.

16 2. Pursuant to 21 U.S.C. § 881(a)(6), the Defendant \$3,700.00 U.S. Currency,
17 and the 2003 Ford Mustang Cobra, Washington License 407 YDA, VIN:
18 1FAFP48Y33F309329, are forfeited to the United States of America, and no right,
19 title, or interest in the Defendant currency and vehicle shall exist in any other party.

20 3. The United States Marshals Service shall dispose of the above-described
21 Defendant assets in accordance with law.

22 DATED this 19th day of May, 2011.

23 *s/Lonny R. Suko*

24 _____
25 Lonny R. Suko
26 United States District Judge

27 Presented by:

28 Michael C. Ormsby
United States Attorney

1 s/James A. Goeke

2 James A. Goeke
3 Assistant United States Attorney